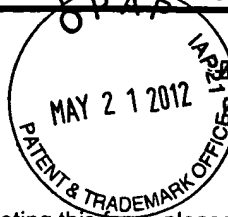




Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION TO ACCEPT UNAVOIDABLY DELAYED PAYMENT OF
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(b))**Docket Number (Optional)
CXU-272Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
Fax: (571) 273-8300

05/25/2012 DALLEN 00000001 6136063

FC:1599

4498.00 OP

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent Number: 6,136,063Application Number: 09/033,827Issue Date: October 24, 2000Filing Date: March 3, 1998

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

Also complete the following information, if applicable:

The above-identified patent:

☐ is a reissue of original Patent No. _____ original issue date _____
original application number _____
original filing date _____☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international application
_____ filed on _____**CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is

(1) being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 OR

(2) transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

May 17, 2012

Date

Signature

Pamela Knorr

Typed or printed name of person signing Certificate

[Page 1 of 4]

This collection of information is required by 37 CFR 1.378(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input checked="" type="checkbox"/> \$ 1425.00	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input checked="" type="checkbox"/> \$ 2365.00	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 3790.00

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(1) of \$ 700.00 (Fee Code 1557) must be paid as a condition of accepting unavoidably delayed payment of the maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 700.00

5. MANNER OF PAYMENT

- ☐ Enclosed is a check for the sum of \$ _____
- ☐ Please charge Deposit Account No. _____ the sum of \$ _____
- ☒ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 04-1403

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT

As to any overpayment made, please

☒ Credit to Deposit Account No. 04-1403

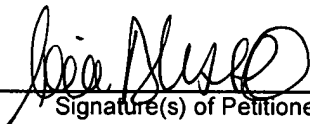
OR

☐ Send refund check**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. SHOWING

The enclosed statement will show that the delay in timely payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that this petition is being filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The statement must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which the patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

9. PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.


Signature(s) of Petitioner(s)

May 17, 2012

Date

Timothy A. Cassidy

Typed or printed name(s)

38,024

Registration Number, if applicable

Dority & Manning, P.A.

Address

864-271-1592

Telephone Number

P. O. Box 1449, Greenville, SC 29602

Address

ENCLOSURES:

- ☒ Maintenance Fee Payment
☒ Statement why maintenance fee was not paid timely
☒ Surcharge under 37 CFR 1.20(i)(1) (fee for filing the maintenance fee petition)

☒ Other: Declaration; Credit Card Payment Form; Return Receipt Postcard

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."



Signature

Timothy A. Cassidy

Type or printed name

May 17, 2012

Date

38,024

Registration Number, if applicable

STATEMENT

(In the space below, please provide the showing of unavoidable delay recited in paragraph 8 above.)

SEE ATTACHED STATEMENT AND DECLARATION

(Please attach additional sheets if additional space is needed)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No: 6,136,063)	
)	Deposit Acct. No: 04-1403
Issue Date: October 24, 2000)	
)	Customer ID No.: 22827
Application Serial No.: 09/033,827)	
)	
Filed: March 3, 1998)	
)	
Title: Process For Separating Hazardous)	
Metals From Waste Materials During)	
Vitrification)	

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT

Filed with this Petition to Accept an Unavoidably Delayed Payment of Maintenance Fee is a Declaration signed by Gerald Addison. As stated in the Declaration, U.S. Patent No. 6,136,063 was previously co-owned by Clemson University and AJT Enterprises. According to an agreement between the two entities, Clemson University was responsible for paying all maintenance fees.

Clemson University, however, failed to pay a maintenance fee and failed to notify AJT Enterprises of its intention not to pay the maintenance fee. AJT Enterprises only found out about non-payment of the maintenance fee through its own fact finding. When it was discovered that the maintenance fee appeared not to have been paid, AJT Enterprises immediately contacted Clemson University. After Clemson University indicated that it had failed to pay the maintenance fee and failed to notify AJT Enterprises, this Petition was immediately and promptly filed.

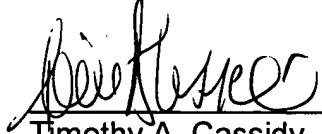
Based on the attached Declaration, AJT Enterprises submits that it exercised care and diligence generally used and observed by prudent and careful persons in business matters. It was completely reasonable to rely on Clemson University to pay the maintenance fees and maintain the patent. Clemson University owns an extensive patent portfolio and their sophistication in patent matters was reasonably relied upon by AJT Enterprises. Specifically, AJT Enterprises reasonably relied upon Clemson University to maintain a docket of due dates for maintenance fees and to either pay the maintenance fee on time or notify AJT Enterprises of its intention not to pay a maintenance fee.

In view of the above, AJT Enterprises submits that payment of the maintenance fee was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely. Further, this Petition was filed promptly after Clemson University formally responded to the inquest. As stated on the Declaration, Clemson University signed the Agreement on April 9, 2012 giving AJT Enterprises full and sole ownership of the residual rights of the Patent.

It is respectfully submitted based upon the facts presented in the attached Declaration that this Petition should be granted and that the patent should be revived.

Respectfully submitted,

DORITY & MANNING, P.A.



Timothy A. Cassidy
Reg. No. 38,024

May 17, 2012

Date

P.O. Box 1449
Greenville, SC 29602
(864) 271-1592
(864) 233-7342

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No: 6,136,063)
)
Issue Date: October 24, 2000)
)
Application Serial No.: 09/033,827)
)
Filed: March 3, 1998)
)
Title: Process For Separating Hazardous)
Metals From Waste Materials During)
Vitrification)

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF GERALD ADDISON

I, Gerald Addison, declare as follows:

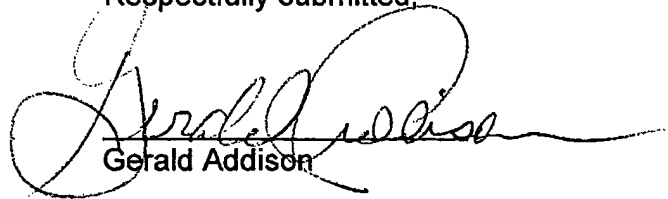
1. I am Chief Operating Officer of AJT Enterprises, Inc. located in St. Stephen, South Carolina.
2. AJT Enterprises was the co-owner of U.S. Patent No. 6,136,063, which issued on October 24, 2000 and is entitled "Process for Separating Hazardous Metals From Waste Materials During Vitrification". The other co-owner was Clemson University.
3. Clemson University and AJT Enterprises, Inc. entered into a business agreement on November 12, 1997.
4. Clemson University prosecutes and maintains a significant patent portfolio. Because of their expertise, Clemson agreed to pay all maintenance fees with respect to U.S. Patent No. 6,136,063. According to the Agreement, if Clemson University decided not to contribute its share of costs for maintaining the patent after issuance, Clemson University was to notify AJT Enterprises and to grant to AJT Enterprises sole ownership of the patent.

5. Recently, it has come to the attention of AJT Enterprises that Clemson University failed to pay the previous maintenance fee with respect to U.S. Patent No. 6,136,063. Clemson University also failed to notify AJT Enterprises of its intention not to pay the maintenance fee.

6. When AJT Enterprises became aware that the maintenance fee had not been paid for U.S. Patent No. 6,136,063, AJT Enterprises immediately contacted Clemson University to determine if Clemson University had in fact paid the maintenance fee. Clemson University formally responded in the last few weeks by indicating that the maintenance fee was not in fact paid and that they did not have any record of notifying AJT Enterprises of its intention not to pay the maintenance fee. Clemson University also signed an agreement on April 9, 2012 giving AJT Enterprises full and sole ownership of any residual rights in the patent.

Respectfully submitted,

11 MAY 2012
Date


Gerald Addison